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Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

HOUSE BILL 2345

AN ACT

AMENDING SECTIONS 16-314, 16-315, 16-321, 16-579, 19-112, 19-121.01 AND 19-121.02, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-314, Arizona Revised Statutes, is amended to
3 read:

4 16-314. Filing and form of nomination petitions; definition

5 A. Any person desiring to become a candidate at any election and to
6 have the person's name printed on the official ballot shall, within the same
7 time and with the same officer as provided by section 16-311, file a
8 nomination petition in addition to the nomination paper required.

9 B. As used in this title, "nomination petition" means the form or
10 forms **THAT ARE** used for obtaining the required number of signatures of
11 qualified electors, ~~which is~~ **AND THAT ARE** circulated by or on behalf of the
12 person wishing to become a candidate for a political office.

13 C. Nomination petitions shall be captioned "partisan nomination
14 petition" or "nonpartisan nomination petition", followed by the language of
15 the petition in substantially the following form:

16 Partisan Nomination Petition

17 "I, the undersigned, a qualified elector of the county of
18 _____, state of Arizona, and of (here name political
19 division or district from which the nomination is sought) and a
20 member of the _____ party or a person who is
21 registered as no party preference or independent as the party
22 preference or who is registered with a political party that is
23 not qualified for representation on the ballot, hereby nominate
24 _____ who resides at _____ in the county of
25 _____ for the party nomination for the office of
26 _____ to be voted at the primary election to be held
27 _____ as representing the principles of such party,
28 and I hereby declare that I am qualified to vote for this
29 office, **THAT I HAVE PROVIDED VERIFIABLE IDENTIFICATION TO THE**
30 **PETITION CIRCULATOR** and that I have not signed, and will not
31 sign, any nomination petition for more persons than the number
32 of candidates necessary to fill such office at the next ensuing
33 election."

34 Nonpartisan Nomination Petition

35 "I, the undersigned, a qualified elector of the county of
36 _____, state of Arizona, and of (here name political
37 division or district from which the nomination is sought) hereby
38 nominate _____ who resides at _____ in the
39 county of _____ for the office of _____ to be
40 voted at the _____ election to be held
41 _____, and hereby declare that I am qualified to vote
42 for this office, **THAT I HAVE PROVIDED VERIFIABLE IDENTIFICATION**
43 **TO THE PETITION CIRCULATOR** and that I have not signed and will
44 not sign any nomination petitions for more persons than the

1 number of candidates necessary to fill such office at the next
2 ensuing election."

3 D. The nomination petition of a person seeking to fill an unexpired
4 vacant term for any public office shall designate the expiration date of the
5 term following the name of the office being sought.

6 Sec. 2. Section 16-315, Arizona Revised Statutes, is amended to read:

7 16-315. Form of petitions

8 A. The nomination petitions shall be in substantially the following
9 form:

10 1. Petitions shall be on paper fourteen inches wide and eight and
11 one-half inches long.

12 2. Petitions shall be headed by a caption stating the purpose of the
13 petition, followed by the body of the petition stating the intent of the
14 petitioners.

15 3. There shall be fifteen lines spaced three-eighths of an inch apart
16 and consecutively numbered one through fifteen.

17 4. The signature portion of the petition shall be divided into columns
18 headed by the titles: signature; printed name; actual residence address or
19 description of place of residence, city, town or post office; **VERIFIABLE**
20 **IDENTIFICATION** and date of signing.

21 5. A photograph of the candidate may appear on the nomination
22 petition.

23 B. The following shall appear on the petition:

24 Instructions for Circulators

25 1. All petitions shall be signed by **THE** circulator.

26 2. **THE** circulator must be qualified to register to vote in this state.

27 3. **THE** circulator's name shall be typed or printed under such person's
28 signature.

29 4. **THE** circulator's actual residence address or, if no street address,
30 a description of residence location shall be included on the petition.

31 C. The secretary of state shall prepare sample nomination petition
32 forms and distribute such forms to all election officers.

33 Sec. 3. Section 16-321, Arizona Revised Statutes, is amended to read:

34 16-321. Signing and certification of nomination petition

35 A. Each signer of a nomination petition shall sign only one petition
36 for the same office unless more than one candidate is to be elected to such
37 office, and in that case not more than the number of nomination petitions
38 equal to the number of candidates to be elected to the office. **A SIGNER**
39 **SHALL PROVIDE THE PETITION CIRCULATOR WITH THE SIGNER'S VERIFIABLE**
40 **IDENTIFICATION AS DEFINED IN SECTION 16-579.** A signature shall not be
41 counted on a nomination petition unless the signature is upon a sheet bearing
42 the form prescribed by section 16-314 **AND UNLESS THE CIRCULATOR HAS REVIEWED**
43 **THE SIGNER'S VERIFIABLE IDENTIFICATION AS INDICATED BY A MARK IN THE COLUMN**
44 **HEADED BY THE TITLE "VERIFIABLE IDENTIFICATION".**

1 B. If an elector signs more nomination petitions than permitted by
2 subsection A of this section, the earlier signatures of the elector are
3 deemed valid, as determined by the date of the signature as shown on the
4 petitions. If the signatures by the elector are dated on the same day, all
5 signatures by that elector on that day are deemed invalid. Any signature by
6 that elector on a nomination petition on or after the date of the last
7 otherwise valid signature is deemed invalid and shall not be counted.

8 C. The person before whom the signatures were written on the signature
9 sheet shall be qualified to register to vote in this state pursuant to
10 section 16-101, and shall verify that each of the names on the petition was
11 signed in his presence on the date indicated, **THAT THE SIGNER PROVIDED**
12 **VERIFIABLE IDENTIFICATION AS DEFINED IN SECTION 16-579** and that in his belief
13 each signer was a qualified elector who resides at the address given as the
14 signer's residence on the date indicated and, if for a partisan election,
15 that each signer is a member of the party the nomination of which the
16 candidate whose name appears on the nomination petition is seeking. The way
17 the name appears on the petition shall be the name used in determining the
18 validity of the name for any legal purpose pursuant to the election laws of
19 this state. Signature and handwriting comparisons may be made.

20 Sec. 4. Section 16-579, Arizona Revised Statutes, is amended to read:

21 **16-579. Procedure for obtaining ballot by elector; definition**

22 A. Every qualified elector, before receiving his ballot, shall
23 announce his name and place of residence in a clear, audible tone of voice to
24 the election official in charge of the signature roster or present his name
25 and residence in writing **AND SHALL PRESENT VERIFIABLE IDENTIFICATION. IF A**
26 **VOTER DOES NOT HAVE VERIFIABLE IDENTIFICATION THE VOTER SHALL BE PERMITTED TO**
27 **VOTE A BALLOT TO BE VERIFIED PURSUANT TO SECTION 16-584.** If the name is
28 found upon the precinct register by the election officer having charge
29 thereof, or the qualified elector presents a certificate from the county
30 recorder showing that he is entitled by law to vote in the precinct, the
31 election official in charge of the signature roster shall repeat the name and
32 the qualified elector shall be allowed within the voting area.

33 B. Any qualified elector who is listed as having applied for an early
34 ballot but who states that he has not voted and will not vote an early ballot
35 for this election or surrenders the early ballot to the precinct inspector on
36 election day shall be allowed to vote pursuant to the procedure set forth in
37 section 16-584.

38 C. Each qualified elector's name shall be numbered consecutively by
39 the clerks, with the number upon the stub of the ballot delivered to him, and
40 in the order of applications for ballots. The election judge having charge
41 of the ballots shall also write his initials upon the stub and the number of
42 the qualified elector as it appears upon the precinct register. The judge
43 shall give the qualified elector only one ballot, and his name shall be
44 immediately checked on the precinct register.

1 D. Each qualified elector shall sign his name in the signature roster
2 prior to receiving his ballot, but an inspector or judge may sign the roster
3 for an elector who is unable to sign because of physical disability, and in
4 that event the name of the elector shall be written with red ink, and no
5 attestation or other proof shall be necessary. The provisions of this
6 subsection relating to signing the signature roster shall not apply
7 to electors casting a ballot using early voting procedures.

8 E. A person offering to vote at a special district election for which
9 no special district register has been supplied shall sign an affidavit
10 stating his address and that he resides within the district boundaries or
11 proposed district boundaries and swearing that he is a qualified elector and
12 has not already voted at the election being held.

13 F. FOR THE PURPOSES OF THIS SECTION, "VERIFIABLE IDENTIFICATION" MEANS
14 EITHER:

15 1. A CURRENT AND VALID PHOTO IDENTIFICATION THAT BEARS THE NAME,
16 ADDRESS AND PHOTOGRAPH OF THE ELECTOR.

17 2. TWO DIFFERENT FORMS OF IDENTIFICATION THAT BEAR THE NAME AND
18 ADDRESS OF THE ELECTOR INCLUDING A COPY OF A CURRENT UTILITY BILL, BANK
19 STATEMENT, GOVERNMENT CHECK, PAYCHECK OR OTHER GOVERNMENT DOCUMENTS THAT
20 SHOWS THE NAME AND ADDRESS OF THE VOTER.

21 Sec. 5. Section 19-112, Arizona Revised Statutes, is amended to read:

22 19-112. Signatures and verification; attachment

23 A. Every qualified elector signing a petition shall do so in the
24 presence of the person who is circulating the petition and who is to execute
25 the affidavit of verification AND SHALL PROVIDE TO THE CIRCULATOR THE
26 SIGNER'S VERIFIABLE IDENTIFICATION AS DEFINED IN SECTION 16-579. At the time
27 of signing, the qualified elector shall sign his first and last names in the
28 spaces provided and the elector so signing or the person circulating the
29 petition shall print his first and last names and write, in the appropriate
30 spaces following the signature, the signer's residence address, giving street
31 and number, and if he has no street address, a description of his residence
32 location. The elector so signing or the person circulating the petition
33 shall write, in the appropriate spaces following the elector's address, the
34 date on which the elector signed the petition, AND THE CIRCULATOR SHALL MAKE
35 A MARK IN THE APPROPRIATE SPACE INDICATING THAT THE SIGNER PROVIDED
36 VERIFIABLE IDENTIFICATION TO THE CIRCULATOR.

37 B. The signature sheets shall be attached at all times during
38 circulation to a full and correct copy of the title and text of the measure
39 or constitutional amendment proposed or referred by the petition. The title
40 and text shall be in at least eight point type and shall include both the
41 original and the amended text. The text shall indicate material deleted, if
42 any, by printing the material with a line drawn through the center of the
43 letters of the material and shall indicate material added or new material by
44 printing the letters of the material in capital letters.

1 C. The person before whom the signatures and addresses were written on
2 the signature sheet shall, on the affidavit form pursuant to this section,
3 subscribe and swear before a notary public that each of the names on the
4 sheet was signed and the name and address were printed in the presence of the
5 elector and the circulator on the date indicated, **THAT THE SIGNER PROVIDED**
6 **VERIFIABLE IDENTIFICATION AS DEFINED IN SECTION 16-579** and that in his belief
7 each signer was a qualified elector of a certain county of the state, or, in
8 the case of a city, town or county measure, of the city, town or county
9 affected by the measure on the date indicated, and that at all times during
10 circulation of the signature sheet a copy of the title and text was attached
11 to the signature sheet. All signatures of petitioners on a signature sheet
12 shall be those of qualified electors who are registered to vote in the same
13 county. However, if signatures from more than one county appear on the same
14 signature sheet, only the valid signatures from the same county which are
15 most numerous on the signature sheet shall be counted. Signature and
16 handwriting comparisons may be made.

17 D. The affidavit shall be in the following form printed on the reverse
18 side of each signature sheet:

19 Affidavit of Circulator

20 State of Arizona)

21) ss.:

22 County of _____)

23 (Where notarized)

24 I, (print name), a person who is qualified to register to
25 vote in the county of _____, in the state of Arizona at all
26 times during my circulation of this petition sheet, and under
27 the penalty of a class 1 misdemeanor, depose and say that each
28 individual signed this sheet of the foregoing petition in my
29 presence on the date indicated, ~~and~~ **THAT EACH SIGNER PROVIDED**
30 **VERIFIABLE IDENTIFICATION AS DEFINED IN SECTION 16-579, ARIZONA**
31 **REVISED STATUTES, THAT** I believe that each signer's name and
32 residence address or post office address are correctly stated
33 and that each signer is a qualified elector of the state of
34 Arizona (or in the case of a city, town or county measure, of
35 the city, town or county affected by the measure proposed to be
36 initiated or referred to the people) and that at all times
37 during circulation of this signature sheet a copy of the title
38 and text was attached to the signature sheet.

39 (Signature of affiant) _____

40 (Residence address, street
41 and number of affiant,
42 or if no street address,
43 a description of residence
44 location) _____
45 _____

Subscribed and sworn to before me on _____.
(date)

Notary Public

_____, Arizona.
My commission expires on _____.
(date)

E. The eight point type required by subsection B OF THIS SECTION shall not apply to maps, charts or other graphics.

Sec. 6. Section 19-121.01, Arizona Revised Statutes, is amended to read:

19-121.01. Secretary of state; removal of petition and ineligible signatures; facsimile sheets; random sample

A. Within fifteen days, excluding Saturdays, Sundays and other legal holidays, of the date of filing of an initiative or referendum petition and issuance of the receipt, the secretary of state shall:

1. Remove the following:

(a) Those sheets not attached to a copy of the title and text of the measure.

(b) The copy of the title and text from the remaining petition sheets.

(c) Those sheets not bearing the petition serial number in the lower right-hand corner of each side.

(d) Those sheets containing a circulator's affidavit that is not completed or signed.

(e) Those sheets on which the affidavit of the circulator is not notarized, the notary's signature is missing, the notary's commission has expired or the notary's seal is not affixed.

(f) Those sheets on which the signatures of the circulator or the notary are dated earlier than the dates on which the electors signed the face of the petition sheet.

2. After completing the steps in paragraph 1 of this subsection, review each sheet to determine the county of the majority of the signers and shall:

(a) Place a three or four letter abbreviation designating that county in the upper right-hand corner of the face of the petition.

(b) Remove all signatures of those not in the county of the majority on each sheet by marking an "SS" in red ink in the margin to the right of the signature line.

(c) Cause all signature sheets to be grouped together by county of registration of the majority of those signing and attach them to one or more copies of the title and text of the measure. If the sheets are too bulky for convenient grouping by the secretary of state in one volume by county, they may be bound in two or more volumes with those in each volume attached to a

1 single printed copy of the measure. The remaining detached copies of the
2 title and text of the measure shall be delivered to the applicant.

3 3. After completing the steps in paragraph 2 of this subsection,
4 remove the following signatures that are not eligible for verification by
5 marking an "SS" in red ink in the margin to the right of the signature line:

6 (a) If the signature of the qualified elector is missing.

7 (b) If the residence address or the description of residence location
8 is missing.

9 (c) If the date on which the petitioner signed is missing.

10 (d) Signatures in excess of the fifteen signatures permitted per
11 petition.

12 (e) Signatures withdrawn pursuant to section 1-261.

13 (f) IF THE MARK THAT INDICATES THAT THE SIGNER PROVIDED VERIFIABLE
14 IDENTIFICATION IS MISSING.

15 4. After the removal of petition sheets and signatures, count the
16 number of signatures for verification on the remaining petition sheets and
17 note that number in the upper right-hand corner of the face of each petition
18 sheet immediately above the county designation.

19 5. Number the remaining petition sheets that were not previously
20 removed and that contain signatures eligible for verification in consecutive
21 order on the front side of each petition sheet in the upper left-hand corner.

22 6. Count all remaining petition sheets and signatures not previously
23 removed and issue a receipt to the applicant of this total number eligible
24 for verification.

25 B. If the total number of signatures for verification as determined
26 pursuant to subsection A, paragraph 6 of this section equals or exceeds the
27 constitutional minimum, the secretary of state, during the same fifteen day
28 period provided in subsection A of this section, shall select, at random,
29 five per cent of the total signatures eligible for verification by the county
30 recorders of the counties in which the persons signing the petition claim to
31 be qualified electors. The random sample of signatures to be verified shall
32 be drawn in such a manner that every signature eligible for verification has
33 an equal chance of being included in the sample. The random sample produced
34 shall identify each signature selected by petition page and line number. The
35 signatures selected shall be marked according to the following procedure:

36 1. Using red ink, mark the selected signature by circling the line
37 number and drawing a line from the base of the circle extending into the left
38 margin.

39 2. If a signature line selected for the random sample is found to be
40 blank or was removed from the verification process pursuant to subsection A
41 of this section and is marked with an "SS", then the next line down, even if
42 that requires going to the next petition sheet in sequence, on which an
43 eligible signature appears shall be selected as a substitute if that line has
44 not already been selected for the random sample. If the next eligible line
45 is already being used in the random sample, the secretary of state shall

1 proceed back up the page from the signature line originally selected for the
2 random sample to the next previous signature line eligible for verification.
3 If that line is already being used in the random sample, the secretary of
4 state shall continue moving down the page or to the next page from the line
5 originally selected for the random sample and shall select the next eligible
6 signature as its substitute for the random sample. The secretary of state
7 shall use this process of alternately moving forward and backward until a
8 signature eligible for verification and not already included in the random
9 sample can be selected and substituted.

10 C. After the selection of the random sample and the marking of the
11 signatures selected on the original petition sheets pursuant to subsection B
12 of this section, the secretary of state shall reproduce a facsimile of the
13 front of each signature sheet on which a signature included in the random
14 sample appears. The secretary of state shall clearly identify those
15 signatures marked for verification by color highlighting or other similar
16 method and shall transmit by personal delivery or certified mail to each
17 county recorder a facsimile sheet of each signature sheet on which a
18 signature appears of any individual claiming to be a qualified elector of
19 that county AND whose signature was selected for verification as part of the
20 random sample.

21 D. The secretary of state shall retain in custody all signature sheets
22 removed pursuant to this section except as otherwise prescribed in this
23 title.

24 Sec. 7. Section 19-121.02, Arizona Revised Statutes, is amended to
25 read:

26 19-121.02. Certification by county recorder

27 A. Within ten days, excluding Saturdays, Sundays and other legal
28 holidays, after receiving the facsimile signature sheets from the secretary
29 of state pursuant to section 19-121.01, the county recorder shall determine
30 which signatures of individuals whose names were transmitted shall be
31 disqualified for any of the following reasons:

32 1. No residence address or description of residence location is
33 provided.

34 2. No date of signing is provided.

35 3. The signature is illegible and the signer is otherwise
36 unidentifiable.

37 4. The address provided is illegible or nonexistent.

38 5. The individual was not a qualified elector on the date of signing
39 the petition.

40 6. The individual was a registered voter but was not at least eighteen
41 years of age on the date of signing the petition or affidavit.

42 7. The signature was disqualified after comparison with the signature
43 on the affidavit of registration.

44 8. If a petitioner signed more than once, all but one otherwise valid
45 signature shall be disqualified.

1 9. IF A CIRCULATOR FAILED TO INDICATE THAT THE SIGNER PROVIDED
2 VERIFIABLE IDENTIFICATION TO THE CIRCULATOR.

3 ~~9.~~ 10. For the same reasons any signatures or entire petition sheets
4 could have been removed by the secretary of state pursuant to section
5 19-121.01, subsection A.

6 B. Within the same time period provided in subsection A of this
7 section, the county recorder shall certify to the secretary of state the
8 following:

9 1. The name of any individual whose signature was included in the
10 random sample and disqualified by the county recorder together with the
11 petition page and line number of the disqualified signature.

12 2. The total number of signatures selected for the random sample and
13 transmitted to the county recorder for verification and the total number of
14 random sample signatures disqualified.

15 C. The secretary of state shall prescribe the form of the county
16 recorder's certification.

17 D. At the time of the certification, the county recorder shall:

18 1. Return the facsimile signature sheets to the secretary of state.

19 2. Send notice of the results of the certification by mail to the
20 person or organization that submitted the initiative or referendum petitions
21 and to the secretary of state.